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**[ADDITIONAL COUNSEL ON
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION – RIVERSIDE**

STEPHENSON AWAH TENENG,
MARCEL NGWA, ANKUSH KUMAR,
GURJINDER SINGH, ATINDER PAUL
SINGH, NOE MAURICIO GRANADOS
AQUINO, and all others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, President of the
United States,
KIRSTJEN NIELSEN, Secretary
Department of Homeland Security;
RONALD D. VITIELLO, Acting Director,
Immigration and Customs Enforcement;
DAVID MARIN, Field Office Director, Los
Angeles Field Office of Immigration and
Customs Enforcement;
JEFFERSON BEAUREGARD SESSIONS,
III, U.S. Attorney General;
HUGH J. HURWITZ, Acting Director,
Federal Bureau of Prisons,
DAVID SHINN, Warden, FCI Victorville
Medium Security Prison I/II, in their official
capacities only,

Defendants.

Case Number:

5:18-cv-01609-JGB-KK

**DECLARATION OF
TIMOTHY FOX IN
SUPPORT OF PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION**

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9 **Admitted *pro hac vice*.

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27 Attorneys for Plaintiffs, on *behalf of*
28 *themselves and others similarly situated*

1
2 I, Timothy P. Fox, declare as follows:

3 1. I am a member in good standing of the Bars of the States of California
4 and Colorado and the co-founder and co-Executive Director of the Civil Rights
5 Education and Enforcement Center (“CREEC”). Prior to CREEC commencing
6 operations on September 1, 2013, I was a shareholder in the law firm of Fox &
7 Robertson, P.C. I am co-lead counsel for Plaintiffs in this litigation and am
8 providing this declaration of counsel in support of Plaintiffs’ Motion for Class
9 Certification. I have personal knowledge of the facts set forth in this declaration
10 and could and would testify competently to them.

11 2. The attorneys of CREEC are committed to the vigorous, effective, and
12 efficient prosecution of the interests of Plaintiffs and the proposed class (the
13 “Class”) and the subclass.

14 3. I have been appointed as class counsel in numerous civil rights cases,
15 primarily focusing on disability discrimination cases, including the following:
16 *Vallabhapurapu et al., v. Burger King Corp.*, No. 11-cv-00667-WHA, 2012 WL
17 5349389 (N.D. Cal. Oct. 29, 2012); *Castaneda, et al., v. Burger King Corp.*, No. 8-
18 cv-04262-WHA, 2010 WL 2735091 (N.D. Cal. July 12, 2010); *Lucas v. Kmart*, No.
19 99-cv-01923 JLK (D. Colo.); *Moeller v. Taco Bell*, 220 F.R.D. 604 (N.D. Cal.
20 2004) *as amended at* 2012 WL 3070863 (July 26, 2012); *Rossart v. Developmental*
21 *Pathways, Inc.*, No. 06CV44709 (Denver Dist. Ct.); *Colorado Cross Disability*
22 *Coalition v. City and County of Denver*, Civ. Action No. 06-cv-00865-LTB-BNB
23 (D. Colo.); *Commonwealth of Mass. v. E*TRADE Access, Inc.*, Civil Action No.
24 03-11206-MEL (D. Mass.); *Colorado Cross-Disability Coalition v. Taco Bell*
25 *Corp.*, 184 F.R.D. 354, 363 (D. Colo. 1999); *Farrar-Kuhn v. Conoco, Inc.*, Civil
26 Action No. 99-MK-2086 (D. Colo.); *Colorado Cross-Disability Coalition v. Fey*
27 *Concert Company*, Civil Action No. 97-Z-1586 (D. Colo); *Civil Rights Education*
28 *and Enforcement Center v. Ashford Hospitality Trust, Inc.*, No. 15-cv-00216 (N.D.

1 Cal.); *Civil Rights Education and Enforcement Center v. RLJ Lodging Trust*, 15-
2 CV-0224-YGR (N.D. Cal.); *Reynoldson v. City of Seattle*, No. 2:15-cv-01608
3 (W.D. Wash.); *Denny v. City and County of Denver*, 2016CV030247 (Denver Dist.
4 Ct.); and *Heinz v. City of Portland*, Case No.: 3:18 cv-00869-HZ (D. Ore.).

5 4. In addition, CREEC attorneys have been designated as class counsel in
6 two cases challenging conditions of confinement in prisons, *Decoteau v. Raemish*,
7 Civil Action No. 13-cv-03399-WJM-KMT (D. Colo.) and *Langford v. Bullock*,
8 Civil Action No. 6:93-cv-00046-DWM-JCL (D. Mont.).

9 5. I have received a number of awards and recognition for my work. For
10 example, I and my Co-Executive Director Amy Robertson received the 2012
11 Award of Excellence from the Colorado Chapter of the American College of Trial
12 Lawyers, the 2007 Impact Fund Award, the 2006 Case of the Year award from the
13 Colorado Trial Lawyers Association, and both Ms. Robertson and I have been
14 honored as Fellows of the Colorado Bar Foundation, a designation bestowed upon
15 no more than five percent of the lawyers in Colorado for “outstanding dedication to
16 the welfare of the community, the traditions of the profession and the maintenance
17 and advancement of the objectives of the Colorado Bar Association.”

18 6. In September of this year, Ms. Robertson and I will receive the Carle
19 Whitehead Memorial Award from the ACLU of Colorado. In 2008, I received The
20 Colorado Bar Association Award of Merit, the association’s highest honor, which is
21 given annually to a member for outstanding service to the association, the legal
22 profession, the administration of justice, and the community.

23 7. Our organization (along with its predecessor, Fox & Robertson) has, in
24 the past decades, handled many large class actions both alone and in conjunction
25 with co-counsel firms. CREEC will commit the funding and staffing that will be
26 required to represent the class to a successful conclusion of this litigation.

27 8. To my knowledge, CREEC has no conflicts of interest that would
28

1 prevent the organization from providing zealous representation of the named
2 plaintiffs and the class.

3 I declare under penalty of perjury under the laws of the State of Colorado and
4 of the United States that the foregoing is true and correct, and that this Declaration
5 was executed this 28th day of August 2018, in Denver, Colorado
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7
8 /s Timothy P. Fox
9 Timothy P. Fox
10 *Attorney for Plaintiffs*
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